

REMARKS

Claims 1-44 are pending in the present application.

In the Office Action dated November 1, 2005, the Examiner rejected claims 1, 3, 6-9, 15, 17, 19 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Proctor, Jr. et al. (U.S. Patent No. 6,563,809), hereinafter referred to as Proctor, in view of Seta (U.S. Patent No. 6,483,825), hereinafter referred to as Seta.

The Examiner rejected claims 2, 4, 10-14 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Proctor, in view of Seta as applied to claims 1, 3, 6-9 and 15, in further view of Blanchard et al. (U.S. Patent No. 5,862,132), referred hereinafter as Blanchard.

The Examiner also rejected claims 5 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Proctor, in view of Seta and in further view of Kanterakis et al. (U.S. Patent No. 6,574,267), hereinafter referred as Kanterakis.

The Examiner also rejected claim 16 under 35 U.S.C. § 103(a) as being unpatentable over Proctor, in view of Blanchard.

The Examiner also rejected claims 22 and 23 under 35 U.S.C. § 103(a) as being unpatentable over Proctor, in view of Blanchard and in further view of Eggleston et al. (U.S. Patent No. 5,764,899), hereinafter referred as Eggleston.

The Examiner also rejected claims 24-27 and 29-32 under 35 U.S.C. § 103(a) as being unpatentable over Proctor, in view of Seta and in further view of Tanaka (U.S. Patent No. 5,845,212).

The Examiner also rejected claim 28 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Proctor, in view of Tanaka as applied to claims 24-27 and 29-32 and in further view of Kanterakis.

The Examiner also rejected claims 33-35 under 35 U.S.C. § 103(a) as being unpatentable over Proctor, in view of Eggleston.

The Examiner also rejected claims 36-37, 39 and 41-44 under 35 U.S.C. § 103(a) as being unpatentable over Proctor, in view of Seta and in further view of Eggleston.

The Examiner also rejected claim 38 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Proctor and Seta, in view of Eggleston as applied to claims 36, 37, 39 and 41-44 and in further view of Tanaka.

The Examiner also rejected claim 40 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Proctor and Seta, in view of Eggleston as applied to claims 36, 37, 39 and 41-44 and in further view of Kanterakis.

The Examiner further objected claim 39 because of the misspelling of “priori”.

Applicants respectfully request reconsideration of the application in light of the remarks below.

### **Independent Claims 1, 16, 17, 22, and Their Dependent Claims**

Independent claims 1, 16, 17, 22 were each rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over a combination of Proctor, Seta, Blanchard, and Eggleston. Applicants respectfully traverse the rejections.

Proctor discloses a subscriber-controlled registration technique in a CDMA system. A subscriber monitors a congestion indicator signal broadcast by a base station with which it desires to register. It is noted that other than stating “the pilot channel constitutes a data signal having a predetermined pattern,” Proctor provides no further teaching or suggestion as to what the “predetermined pattern” entails, how it is generated or transmitted, the use thereof, and so on. Furthermore, Proctor appears to be teaching away from transmitting pilot channels in synchronization. For example, Proctor teaches that “a mobile station may exploit the predetermined timing offsets among the pilot channels in the system to facilitate acquisition of the pilot channels from other base stations” (see col. 3, lines 14-17).

Seta discloses a method for synchronizing the time of a plurality of base stations to the time of a base station controller which is equipped with a GPS receiver. Seta is silent with respect to any mention of pilot signals or the use thereof.

Blanchard discloses a system capable of data transmission in a TDM mode, wherein each transmitter is assigned a time slot during which that transmitter is allowed to transmit. The transmitters are synchronized to a common timing reference, such that the receivers are able to identify the time slot associated with each transmission. While Blanchard discloses transmission of a “TDMA burst of data; i.e., message” (see Blanchard, col. 2, line 26), Blanchard does not teach transmission of pilot bursts.

Eggleston discloses a method of communicating an optimized reply in a communication system including a communication server, a host server, and a wireless subscriber unit.

Neither of the cited references, alone or in combination, teaches or suggests “generating at each transmission source a plurality of pilot bursts for a pilot reference; and transmitting the plurality of pilot bursts in synchronization with the time reference,” as recited in independent claim 1, 16, or 17. The cited references, alone or in combination, also fail to teach or suggest “the pilot reference from each access point is transmitted in pilot bursts that are synchronized with a system time reference, and the pilot bursts from the plurality of access points are aligned in time at the time of transmission,” as recited in independent claim 22.

Furthermore, the Examiner failed to cite any teaching or suggestion in the references themselves that would motivate one skilled in the art to combine or modify the references to achieve the Applicants’ invention as claimed. For example, as Applicants state in the specification: “The transmission of pilot bursts from the access points at the same predetermined time intervals results in maximum interference contributions from non-transmitting neighboring access points, facilitating reliable estimation of worst case C/I, and further allows the receiving sources (e.g., access terminal or remote terminals) to easily recognize the bursts as pilot reference” (see specification, page 2, line 37 to page 3, line 3). None of the cited references, alone or in combination, teaches or suggests such; nor does their combination yield the same result.

For at least the reasons stated above, Applicants submit that independent claims 1, 16, 17, and 22 are patentable over the cited references. Applicant respectfully request the rejections of these claims be withdrawn.

Claims 2-15, 18-21, and 23 each depend from one of independent claims 1, 17, and 22, and are also allowable. Applicant respectfully request the rejections of these claims be withdrawn.

### **Independent Claims 24, 33 and 36 and Their Dependent Claims**

Independent claims 24, 33, and 36 were each rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over a combination of Proctor, Seta, Tanaka, and Eggleston.

Tanaka discloses a mobile communication system capable of effectively carrying out a hand-over control. In Tanaka, a base station announces a transmission power of the base station and uplink reception power and uplink signal quality as information to a mobile station. The mobile station judges whether or not it is necessary to carry out hand-over control in accordance with the information and a predetermined hand-over control information.

Neither of the cited references, alone or in combination, teaches or suggests “receiving a pilot reference transmitted in pilot bursts that are synchronized with a time reference; and determining a link condition based on the pilot reference,” as recited in independent claim 24, 33, or 36. The Examiner further failed to cite any teaching or suggestion in the references themselves that would motivate one skilled in the art to combine or modify the references to achieve the Applicants’ invention as claimed; nor does their combination yield the same result.

For at least the reasons stated above, Applicants submit that independent claims 24, 33, and 36 are patentable over the cited references. Applicant respectfully request the rejections of these claims be withdrawn.

Claim 25 – 32, 34-35, and 37 – 44 each depend from one of independent claims 24, 33, and 36, and are also allowable. Applicant respectfully request the rejections of these claims be withdrawn.

**REQUEST FOR ALLOWANCE**

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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